



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 11, 2022

BY ECF

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **United States v. Robert Hadden,**
S1 20 Cr. 468 (RMB)

Dear Judge Berman:

The Government respectfully writes to update the Court as to the status of its review of the contents of electronic devices for responsiveness to the search warrants. As detailed below, that review is complete as relevant to the above-referenced case.

By way of background, as the Court is aware, the defendant is charged with enticement offenses, in violation of 18 U.S.C. § 2422. Trial is scheduled to commence in this case on September 12, 2022. In connection with its investigation of the defendant, the Government has obtained the following search warrants:

- (1) Two search warrants issued on or about August 21, 2020, and April 8, 2021, by the Honorable Stewart D. Aaron, United States Magistrate Judge for the Southern District of New York, to search an Apple iBook that the Federal Bureau of Investigation ("FBI") obtained following a consent search of the defendant's deceased father's residence in Glen Cove, New York, for evidence of enticement, in violation of 18 U.S.C. §§ 2422 and 2423, and [REDACTED] (the "Glen Cove Warrants").
- (2) A search warrant issued on or about September 8, 2020, by the Honorable Leda Dunn Wettre, United States Magistrate Judge for the District of New Jersey, to search the defendant's residence in Englewood, New Jersey, including electronic devices located therein, for evidence of enticement, in violation of 18 U.S.C. § 2422 (the "First Englewood Warrant").
- (3) A search warrant issued on or about April 8, 2021, by Judge Aaron, correcting a typographical error in the First Englewood Warrant (the "Second Englewood Warrant").

- (4) A supplemental search warrant issued on or about September 8, 2021, by Judge Aaron, to search the electronic devices seized from the defendant's home for evidence of [REDACTED] (the "Third Englewood Warrant").

Pursuant to the warrants, the Government seized approximately 33 electronic devices (the "Devices"). Over the past several months, the Government has regularly updated the Court with respect to its ongoing responsiveness review. (Dkts. 121, 126, 128, 132, 160).

As of the date of this letter, in light of the trial date, the Government has concluded its responsiveness review for evidence of enticement, in violation of 18 U.S.C. § 2422, pursuant to the First and Second Englewood Warrants. The Government has made available to the defense all material identified as responsive from the electronic devices and is in the process of providing the defense with copies of all such material, with the exception of material that cannot be copied for the defense.

The Government notes, however, that its responsiveness review for evidence of [REDACTED] pursuant to the Glen Cove and Third Englewood Warrants remain ongoing. The FBI has identified data that may be encrypted and plans to attempt to decrypt and continue analyzing that data, among other things. As the Government has noted in its response to the defendant's pending motion to suppress (Dkt. 137 at 63-66), there is considerable overlap between evidence responsive to the Glen Cove and Third Englewood Warrants, on the one hand, and that responsive to the First and Second Englewood Warrants, on the other hand. However, in the interests of an expeditious trial and orderly pretrial schedule, the Government has decided not to use any evidence identified as responsive pursuant to the Glen Cove and Third Englewood Warrants after the date of this letter in its case-in-chief at trial absent extraordinary circumstances.¹ The Government reserves the right to use any such evidence should additional charges be brought against the defendant.

Accordingly, as relevant to the above-referenced case, the Government's responsiveness review is complete. Accordingly, the Government does not plan to submit additional letter updates

¹ The Government does not anticipate any such extraordinary circumstances arising, but shall promptly raise any such circumstances with the defense and with the Court.

to the Court with respect to the ongoing review pursuant to the Glen Cove and Third Englewood Warrants.

Respectfully submitted,

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by: /s/

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cc: Defense Counsel (By ECF)